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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,990	12/31/2001	Herbert M. Reynolds	1335.00008	4532

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EXAMINER

RAEVIS, ROBERT R

ART UNIT PAPER NUMBER

2856

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,990

Applicant(s)

REYNOLDS ET AL.

Examiner

Robert R. Raevis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-9, 11-15, 32, 37, 40-54, 57-65 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 10, 16-31, 33-36, 38, 39, 55 and 56 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claims 40-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 40, lines 1-7 suggest a plurality of different design templates, yet lines 8-13 use the phrase "*each* design template" (italics added, line 11) suggestive that (somehow) the method claim is limited to include all of the alternatives on lines 8-13. Is this the case; or does "each design template" refer back to the different alternatives in an *alternative* manner? Should "each design template" read --the provided design template--? Presently, lines 3-7 suggest that *one* (Note the "one" (line 3)) template is provided, but lines 8-11 suggest that *all* (Note the "*each* design template" (italics added, line 10)) the templates are used in establishing occupant accommodation. Lines 3-7 are not consistent with lines 8-11.

Claims 1-3,6,7,8,11-14,15,32,37,51-54,57-59,60,62-65 are rejected under 35 U.S.C. 102(b) as being anticipated by Kaptur, Jr. et al.

Kaptur, Jr. teaches a design template is used to check a seat within a vehicle, the template being of average size (see col. 2, line 4), and inherently employing a posture (see Figure 1). The template includes a torso that includes a torso section 108 that includes a "hip joint" 88 corresponding to an anatomical landmark, and at least one cross-sectional section (between pivots 88 and 56) that cooperates with the torso section at the anatomical landmark, the cross-sectional section describing a body seat interface (note surface 68) at the anatomical landmark.

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As to claims 6,7, note col. 4, lines 56-57, 66-75.

As to claims 11-14, Kaptur's reference to "accommodation checking" (col. 1, line 10) and "seat locations" (col. 1, line 35) are inclusive of all known seat positions, including all the way back.

As to claim 15, 32,37,62-65, determination of whether a seat is "satisfactory" (col. 1, line 14) provides for a step in designing a seat, if not the seat itself.

Claims 9 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaptur et al in view of Ekern et al.

Comments that exist above similarly apply here.

As to claims 9 and 61, it would have been obvious to employ an occupant restraint system upon Kapur's template because Ekern teaches (p. 125, left column, first paragraph of the "INTRODUCTION") that "restraint positioning" is a factor in accurately locating seated occupants in a vehicle, suggestive of application of a restraint system in Kaptur to assure that the template is properly positioned.

Claims 4,5,10,16-31,33-36,38,39,55,56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 703-305-4919. The examiner can normally be reached on Monday to Friday from 6:30am to 4:00pm. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Raevis
RAEVIS